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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,918	01/29/2004	Yasuhiro Nonaka	P24875	2674

7055 7590 02/08/2005

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EXAMINER

VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/765,918	Applicant(s) NONAKA ET AL.	
	Examiner Quang T Van	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/16/04&10/22/04</u> | 6) <input type="checkbox"/> Other: ____ |

Specification

1. The abstract of the disclosure is objected to because the legal phraseology such as "means" often used in patent claims should be avoided in the abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Okabayashi (US 5,794,096). Okabayashi discloses an induction type heat fixing device comprising a heat generating member (90); and a power apparatus comprising: a switching unit (44) which supplies a power to the exciting coil (90); a switching unit voltage detecting circuit (255) which detects that a voltage to be applied to the switching unit exceeds a safe operating voltage range (col. 14, lines 54-62); and a control circuit (50) which controls a power to be supplied to the coil in response to a detection signal of the switching unit voltage detecting circuit (col. 14, lines 48-53).

4. Claims 5-8, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 10301442A. JP 10301442A a heater for image forming apparatus having photo sensitive member (1, translated paper, par. 0045); a charger (2) which uniformly charges a surface of the photosensitive member to have a predetermined electric potential (translated paper, par. 0046); exposing unit which irradiates scanning line of a

Art Unit: 3742

light beam corresponding to image data on the charged photosensitive member (translated paper, par. 0047); developer (4) which develops the electrostatic latent images formed on the photosensitive member (translated paper, par. 0048); cleaner (16) which removes a toner remaining on the photosensitive member (translated paper, par. 0051); a power apparatus for electromagnetic induction heating means including a heat generating member (7) and an exciting coil (13) provided in the vicinity of the heat generating member (7) and serving to cause the heat generating member (7) to generate heat by electromagnetic induction (translating paper, par. 0052, lines 2-3), the power apparatus comprising a switching unit (105) which supplies a power to the exciting coil (13); a power apparatus input voltage detecting circuit (108) which detects that a commercial alternating voltage to be input to the power apparatus exceeds maximum rated input voltage of the power apparatus (translated paper, par. 0083 and 0084); and a control circuit (109) which controls a power to be supplied to the coil (13) corresponding to a detection signal of the power apparatus input voltage detecting circuit (translated paper, par. 0082 and 0083).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okabayashi (US 5,794,096) in view of Nanataki et al (US 5,881,349). Okabayashi

Art Unit: 3742

discloses substantially all features of the claimed invention except photosensitive member, a charger which uniformly charges a surface of the photosensitive member to have a predetermined electric potential, exposing unit which irradiates scanning line of a light beam corresponding to image data on the charged photosensitive member, developer which develops the electrostatic latent images formed on the photosensitive member, cleaner which removes a toner remaining on the photosensitive member.

Nanataki discloses, figure 6, photosensitive member (11, col. 1, lines 26-27), a charger (12) which uniformly charges a surface of the photosensitive member to have a predetermined electric potential, exposing (13) unit which irradiates scanning line of a light beam corresponding to image data on the charged photosensitive member, developer which develops the electrostatic latent images formed on the photosensitive member (col. 6, lines 9-12), cleaner (17) which removes a toner remaining on the photosensitive member (col. 6, lines 40-42). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Okabayashi photosensitive member, a charger which uniformly charges a surface of the photosensitive member to have a predetermined electric potential, exposing unit which irradiates scanning line of a light beam corresponding to image data on the charged photosensitive member, developer which develops the electrostatic latent images formed on the photosensitive member, cleaner which removes a toner remaining on the photosensitive member as taught by Nanataki in order to permanent fix image on the recording medium surface.

Art Unit: 3742

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kinouchi et al (US 6,438,335) discloses a fixing device with improved heat control for use in an image forming apparatus. Inoue (US 2002/0076239) discloses an image forming apparatus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV

January 28, 2005



Quang T Van
Primary Examiner
Art Unit 3742